THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.17063 OF 2005

Dated: 23-12-2005

Between

Dredging Corporation of India Limited,

Rep. by its Chairman and Managing Director

Dredge House, Port Area, Visakhapatnam.

...PETITIONER

AND

Forward Seamen's Union of India, 14/1F,

Kabitirtha Sarani, Kolkata and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the Strike Notice dated 28.06.2005 issued by the first respondent and letter dated 16.07.2005 of crew members of DR. V. to proceed on strike again after 02.08.2005 as illegal and arbitrary and in violation of the provisions of the Merchant Shipping Act, 1958 (for short 'the Act').

This Court while issuing notice before admission on 02.08.2005 directed the third respondent to intervene and ensure that the provisions of the Act are enforced against the parties concerned and that the dredging operations of the dredgers engaged by the petitioner are not obstructed, except in accordance with law.

Third respondent filed counter stating that a Memorandum of Understanding has been reached between the officials of Dredging Corporation of India, Visakhapatnam and the office bearers of the first respondent – union on 02.08.2005 at Kolkata on the rationalization of crew including M.P.Ws on Dredging Corporation of India Dredges and according to the Clause-9 of the Memorandum of Understanding,

it is provided that both the parties agreed that they will maintain industrial harmony and peace and all efforts will be made to increase the production and to achieve the over all objectives of the Corporation.

In view of the aforesaid Memorandum of Understanding dated 02.08.2005 no further orders are necessary in this writ petition.

The writ petition is accordingly disposed of giving liberty to the petitioner to file a fresh writ petition as and when the respondents violate the terms and conditions of the memorandum of understanding or the provisions of the Act.

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V. ESWARAIAH, J

December 23, 2005

DSK